

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE GENERIC DIGOXIN AND
DOXYCYCLINE ANTITRUST LITIGATION**

**MDL No. 2724
Case No. 2:16-md-02724-CMR**

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

HON. CYNTHIA M. RUFÉ

**APPLICATION OF STEVEN N. WILLIAMS ON BEHALF OF UNITE HERE HEALTH
AND UNITED FOOD & COMMERCIAL WORKERS AND EMPLOYERS ARIZONA
HEALTH AND WELFARE TRUST FOR APPOINTMENT TO THE LEADERSHIP OF
THE END-PAYOR PLAINTIFF STEERING COMMITTEE**

Pursuant to the Court’s Pretrial Order No. 1 (ECF No. 2), Steven N. Williams of Cotchett, Pitre & McCarthy, LLP. (“CPM”), respectfully requests appointment as Chair of the End-Payor Plaintiff (“EPP”) Steering Committee, or, in the alternative, appointment as a member of the EPP Steering Committee.

A. Professional Experience in this Type of Litigation

No firm or individual applicant in this case has more experience or success in prosecuting indirect purchaser class actions than Steven N. Williams and CPM. Mr. Williams and CPM have repeatedly been appointed as lead class counsel in indirect purchaser antitrust cases by federal courts and have a proven track record of success in those cases. Mr. Williams and CPM presently serve as co-lead counsel for the end-payor plaintiff class in *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.) (“*Auto Parts*”), one of the largest price-fixing cases ever. The end-payor class in the *Auto Parts* case has already recovered over \$700 million in settlements. Other price-fixing actions, including indirect purchaser actions, in which Mr. Williams and CPM have served as either lead counsel or co-lead counsel are: *In re Lithium Ion Batteries Antitrust Litigation*, United District Court for the Northern District of California case no. C 13-MD-2420 YGR (N.D. Cal.); *In re Capacitors Antitrust Litigation*, Case No. 3:14-cv-03264-JD (N.D. Cal.); *In re Resistors Antitrust Litigation*, Case No. 5:15-cv-03820-RMW (N.D. Cal.); *In re Domestic Airline Travel Antitrust Litigation*, Case No. 15-1404 (CCK) (MDL No.

2656 (D. D.C.); *In re Transpacific Passenger Air Transportation Antitrust Litigation*, Case No. 7-cv-5634-CRB (N.D. Cal.); *Precision Associates Inc., et al. v. Panalpina World Transport (Holding) Ltd., et al.*, Case No. 08-cv-000442 (JG) (VVP); *In re Static Random Access Memory (SRAM) Antitrust Litigation*, Case No. M:07-CV-01819-CW; *In re Flash Memory Antitrust Litigation*, Case No. 07-0086 SBA (N.D. Cal.); *In re: Plasma Derivative Protein Therapies Antitrust Litigation*, Case No. 3:10-cv-05686 (MDL No. 2109) (N. D. California); *In re Parking Heaters Antitrust Litigation*, Case No. 1:15-mc-00940-JG-JO (E.D. New York). For additional cases successfully prosecuted by Mr. Williams and CPM, refer to the Firm Resume at <http://www.cpmlegal.com/assets/htmldocuments/Antitrust%20Firm%20Resume.pdf>.

Mr. Williams serves on the Advisory Committee of the Cartel and Criminal Practice Committee of the American Bar Association and is an officer of the California State Bar Antitrust Executive Committee. Mr. Williams participated in the drafting of California's electronic discovery statute as a member of the California Discovery Subcommittee. Other CPM attorneys assisting Mr. Williams in the prosecution of this indirect purchaser action also have substantial experience litigating complex MDL actions, including indirect purchaser actions. CPM Senior Partner Joseph W. Cotchett, as stated by the National Law Journal, is considered by plaintiffs and defense attorneys alike to be one of the foremost trial attorneys in the country. Mr. Cotchett is the author of several books, including *Federal Courtroom Evidence*, and others. Mr. Cotchett has tried over 100 cases to verdict in jurisdictions across the country. He is known nationally as the trial lawyer for 23,000 plaintiffs in the *Lincoln Savings & Loan Association/American Continental Corp.* case involving Charles Keating, winning one of the largest jury verdicts in U.S. history, \$3.3 billion. Mr. Williams will also be assisted by CPM Partner Adam J. Zapala, who has also served in leadership positions in several MDL actions.

B. Willingness and Ability to Commit to a Time-Consuming Process

Mr. Williams and CPM have the experience and resources to litigate this complex case. The firm has managed many large, complex and expensive cases such as *People of the State of California v. Atlantic Richfield, et al.*, Santa Clara Sup. Ct., Case No. 1-00-CV-788657, a case

that was litigated for fifteen years before the firm received a landmark \$1.15 billion verdict on behalf of California municipalities against the defendant manufacturers of lead paint. This is just one representative example CPM's ability to commit to a complex, time-consuming process.

C. Ability to Work Cooperatively with Others

Steven N. Williams and CPM have a demonstrated track record of professionalism and collegiality in working with Courts and their staff, the United States Department of Justice and state Attorneys General, other plaintiff groups including direct purchaser and opt-out plaintiffs, and defense counsel and their clients.

D. Mr. Williams and CPM Represent Large, Institutional Clients in this Litigation with Substantial Damages

Two very large institutional clients chose Mr. Williams and CPM to represent them in this case. Unite Here Health (case no. 2:16-cv-04818-CMR) is a national union health and welfare fund that provides health care benefits to 220,000 members, retirees and dependents spread across the country. United Food & Commercial Workers ("UFCW") and Employers Arizona Health and Welfare Trust Fund (case no. 2:16-cv-02810-CMR) is a Taft-Hartley, union health and welfare fund that provides benefits to approximately 35,000 members, retirees and dependents. UFCW represents workers in retail food stores and supermarkets, food processing, poultry, meat packing plants, department stores, banks, chemical and manufacturing plants, distilleries, textile plants and hospitals.

As the foregoing demonstrates, Mr. Williams and CPM readily meet the criteria set forth in this Court's Pretrial Order No. 1 and in Federal Rule of Civil Procedure 23(g).

Dated: September 23, 2016

Respectfully submitted,

/s/ Steven N. Williams

Steven N. Williams

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